IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 21007 of 2004

Between:

G. Mallaiah, S/o Kistaiah, Hindu,
aged 57 years, Occ: RTC Driver,

R/o Miryalaguda, Nalagonda District.

..... PETITIONER

AND

The Depot Manager, APSRTC., Bus Depot,
Miryalaguda, Nalgonda District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondent in Suspending the petitioner by its order dated 19-10-2004 passed in NO. 02/802(1)/04-MLG as illegal, arbitrary and set -aside the same and to pass such other order or orders.

Counsel for the Petitioner: MR.RAJA REDDY KONETI
Counsel for the Respondent: MR.V.T.M.PRASAD

The Court made the following:

ORDER:

Challenging the suspension order dated 19.10.2004 passed in No.02/802(1)/04-MLG, the present writ petition is filed.

2. Learned counsel for the petitioner contended that a small iron piece was found in the luggage carrier when the bus is being taken out from the garage. Therefore, the petitioner was placed under suspension. Learned counsel for the petitioner further contended that the matter is so trivial and suspension could not have been ordered. Hence, he prays to quash the proceedings.

3. As seen from the suspension order, a spring blade piece consisting 19" x 3" was kept in the luggage carrier. What is the value of the iron blade is not known. The same was found in the luggage rack. When the security guard asked for petitioner's statement in writing, he kept the bus at the main gate for two hours without giving for service, which constitutes misconduct.

4. Though the incident has taken place on 05-10-2004, the petitioner is not placed under suspension immediately. Thereafter the suspension order was passed on 19-10-2004. If really, the alleged acts committed by the writ petitioner are so grievous so as to warrant suspension, the competent authority would have suspended him immediately. For about 15 days the competent authority did not take any action and thereafter, suspension order is passed.

5. As rightly contended by the learned counsel for the petitioner that the charges are very trivial in nature, the suspension order can be revoked.

6. The writ petition is allowed setting aside the suspension order dated 19.10.2004l passed in No.02/802(1)/04-MLG directing the respondent to reinstate the petitioner into service and proceed further with departmental enquiry as per the rules and regulations of the Corporation.

K.C.BHANU,J.

Date: 29th December 2004.

BSB

Note:

Issue C.C. in a week.

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BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, APSRTC., Bus Depot,
Miryalaguda, Nalgonda District

2.Two CD copies